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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/559,419 | 12/07/2005 | Tetsuya Okada | SONY JP 3.3-392 | 1825 |

530 7590 10/06/2009
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| EXAMINER |
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HARVEY, DAVID E

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| ART UNIT | PAPER NUMBER |
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2621

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10/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/559,419 | Applicant(s) OKADA ET AL. | |
| | Examiner DAVID E. HARVEY | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following “prior art” is hereby noted:

A) US Patent #7,027,714 to Ohta et al.:

Ohta et al has been cited because it is the US equivalent of the Japanese Patent Document #JP-2001-346147 that was cited by applicant in the IDS filed 12/7/2005 (and the International Search in the PCT application from which the instant application was filed). The examiner considers this “prior art” to be the most significant “prior art” that is of record.

B) US Patent #5,502,573 to Fujinami:

Fujinami has been cited because, as set forth with respect to Figure 5(c), it describes a process of pausing and un-pausing a compressed video data stream provided from a disc type storage medium.

C) US Patent #4,703,355 to Cooper:

Cooper has been cited because, as shown in Figure 4, it discloses a system that synchronizes video information stream (@ 25) and an audio information stream (@ 37) by:

- 1) Determining a phase difference/offset between the respective streams (@ 26, 34, and 40); and
- 2) Selecting imparting delays (@ 28, 36) to the information streams according to the determined difference/offset to generate re-synchronized information streams (@30 and 39).

D) US Patent Document #2007/0160090 to Sugahara:

Sugahara has been cited because, as shown in Figure 4, it evidences a system for synchronizing a video data stream and an audio data stream by:

- 1) Determining (@ 85) respective phase differences/offsets between each of the streams and a given reference time; and

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2) Selecting imparting delays (@ 86, 87) to the data streams according to the determined differences/offsets to generate re-synchronized information streams.

E) US Patent #6,512,884 to Sawada:

Sawada has been cited because it describes a system for synchronizing a changes timing of an audio stream in accordance with the equation set forth in lines 35-43 of column 2.

F) US Patent #6,583,821 to Durand:

Durand has been cited for its discussion as to the recognized need of maintaining synchronization between the independently coded components of an MPEG encoded A/V program [note lines 13-40 of column 1].

G) US Patent #6,018,376 to Nakatani:

Nakatani has been cited for its discussion as to the recognized need of maintaining synchronization between the independently coded components of an MPEG encoded A/V program after temporal discontinuity has occurred [note lines 57-63 of column 4].

H) US Patent #6,148,135 to Suzuki:

Suzuki has been cited as evidencing the fact that audio and video signals had to be synchronized, in like fashion, after being conveyed over a transmission medium or a recording medium [note lines 20-43 of column 1].

I) US Patent Publication #2004/0041946 to Gries:

Gries has been cited as evidencing the fact that audio and video signals had to be synchronized, in like fashion, after being conveyed over a transmission medium or a recording medium [note Figure 4].

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner notes that claim 1 includes recitations set forth in a ***means-plus-function*** format and, as such, it is presumed that these recitations invoke a section 112-6 interpretation; i.e., should be construed as being limited to the corresponding disclosed structure (and equivalents thereof). However, turning to the instant written description, the examiner fails to locate any disclosure in which the structure of the recited “means” has been described. Thus, it is unclear as to what the recited “means” refers. Clarification is needed. Similar clarification is needed for claims 2-4, and 8.

5. Turning to claim 1, the examiner notes the use of the alternative “or” terminology in line 11 thereof. The examiner has construed lines 9-14 of claim 1 as requiring recited structure for making the recited determination based on the recited data and requests regardless of whether this determination results in the application of a delay “or not”.

Corresponding recitations of claim 5 have been construed in a like manner.

6. Claims 1-4 and 8 avoid the art of record.

7. Claims 5-7 are allowed.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY
Primary Examiner
Art Unit 2621